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TO

Facilitate the execution and maintenance of Marine Works in Ireland, and for other like purposes. A.D. 1902.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1.) Where it is certified to the Treasury by the Lord Lieutenant that the construction, re-construction, repair, or improvement under this Act of a marine work, or the appurtenances thereof, or any approaches thereto, or any part of the same respectively is necessary for the development of any industry or trade, carried on by the inhabitants of a congested districts county, and that owing to exceptional circumstances the work cannot be executed without special assistance from the State, the Treasury may make advances by way of grant to the Board of Works to be applied by them in the execution and equipment of the certified
- 10 work. Provided that the Treasury shall not make any such advance unless—
- Certified works, and execution thereof.

- (a) they are satisfied that the Congested Districts Board, the Department of Agriculture, and local authorities have by the free grant of land, or by agreeing to make and maintain
- 20 ancillary works, or otherwise, and that persons locally interested have in such manner as aforesaid or by pecuniary contributions, given all reasonable assistance and facilities in their power towards the objects of the work; and
- (b) the council of the county, or if more than one of each county, appearing to the Lord Lieutenant to be interested in the work
- 25 have agreed to pay such an annual sum as is herein-after mentioned (in this Act referred to as "the county contribution").

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(2.) The Board of Works may make, or procure to be made, any surveys, maps, plans, and estimates necessary for the execution of the certified work, and the costs and expenses of and incidental to the making thereof shall be defrayed out of the advances to be made under this Act.

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(3.) For the purposes of this section the Board of Works shall have all the powers conferred by the Lands Clauses Acts upon the promoters of an undertaking: Provided that for the said purposes the award of the arbitrator under those Acts shall be final, and the provisions of those Acts with respect to traverses shall not apply.

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(4.) The Board of Works may execute the certified work, or, with the approval of the Treasury, enter into an agreement or contract with any county or district council, or any public department or person, for the execution thereof or any part thereof, or any work ancillary thereto.

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Amount of
county con-
tribution.

2. Subject to the provisions of this section, the county contribution in respect of a certified work shall, where one county only is interested in the work, be such an annual sum as the Lord Lieutenant may fix, being not less than *one-and-a-half per cent.* of the total cost of the work, and shall, where more than one county is so interested, be such proportionate part of the said annual sum as the Lord Lieutenant, having regard to the prospective benefit to the inhabitants of the county from the work, may fix.

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Provided that if there is at any time standing to the credit of the general maintenance fund herein-after mentioned a sum of not less than *six thousand pounds*, the Lord Lieutenant may reduce the county contributions in respect of all certified works by a uniform per-centage, but the reduction shall be so calculated that the contributions as and when reduced shall be sufficient for the purpose of defraying the expenses and charges payable out of the general maintenance fund.

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Provided nevertheless that if at any time after such reduction as aforesaid has been made the general maintenance fund is, in the opinion of the Lord Lieutenant, insufficient for the said purpose, he may in like manner increase the said contributions, but the amount of any contribution shall not exceed the amount originally fixed by him.

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Provisions
with respect
to payment
of county
contribu-
tions.

3.—(1.) The county contribution, in the case of a county borough, shall be payable out of the borough fund or borough rate, and in the case of any other county, shall be payable out of the county fund, and may be raised equally by means of the poor rate,

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either over the whole county, or over the whole of any county district or districts comprised in the county, according as the county council with the approval of the Lord Lieutenant may determine. A.D. 1902.

- 5 (2.) The Lord Lieutenant may make an order for the payment of any sum due by a county council to the Board of Works in respect of a county contribution, and upon such order being made, section eighty of the Local Government (Ireland) Act, 1898, relating to imperative presentments, shall apply to that sum. 61 & 62 Vict. c. 37.

- 10 4. All certified works shall be vested in the Board of Works, and for the purposes of this section that Board shall establish a general maintenance fund, and shall carry thereto all county contributions, and, subject as aforesaid, the expenses of the inspection, maintenance, and repair of the certified works, and the salaries or remuneration of any harbour constables or collectors of tolls and rates, appointed for the purposes of the certified works, shall be defrayed by that Board out of the said fund, and *in case and so far as that fund is insufficient out of moneys provided by Parliament*: Provided that the Board of Works may, with the sanction of the Treasury, lease the work or the revenue thereof to any county or district council, or public department or person, for such term and subject to such conditions as the Treasury may sanction. General maintenance fund.

5. A certified work, or any work ancillary thereto, shall not, for a period of ten years from the completion of the work, be assessed to any local rate at a higher value than that at which the land occupied by the work would have been assessed if it had remained in the condition in which it was immediately before it was acquired for the purposes of the work. Freedom from increased assessments as local rates.

- 30 6.—(1.) The Chief Secretary may, with the approval of the Treasury, fix the tolls and rates to be paid by vessels using any certified work, and on all or any live stock, fish, goods, or articles landed or shipped at any certified work, and for the purpose of enforcing payment thereof section thirteen of the Public Works (Ireland) Act, 1836 (which provides for the appointment of collectors and enforcing payment of tolls), is incorporated with this Act. Tolls, rates, and rent. 6 & 7 Will. 4. c. 108.

- (2.) The tolls and rates payable in respect of a certified work and received by the Board of Works shall be paid or credited by them to the council of the county interested in the work, or where more than one county is so interested, to the councils of the interested counties respectively, in the same proportions as the

A.D. 1902. — respective county contributions of those councils in respect of the work :

Provided that if in any year the total amount of tolls and rates received by the Board of Works in respect of the work exceeds the total amount of the said county contribution or contributions, the balance shall be carried to the general maintenance fund under this Act.

(3.) The last preceding sub-section shall apply, with such modifications as the Treasury may in each case sanction, to any rent reserved by a lease of a certified work, or the revenue thereof, in like manner as it applies to the said tolls and rates.

Byelaws.
9 Vict. c. 3

7.—(1.) Sections seventy and seventy-one of the Fisheries (Ireland) Act, 1846 (relating to bye-laws), are incorporated with this Act, but all byelaws made thereunder relating to any certified work shall be subject to the approval of the Lord Lieutenant. 15

(2.) The limits within which the Board of Works shall have power to make such byelaws and which shall be deemed to be the limit to which their jurisdiction extends for all purposes (including the power to levy tolls and rates) connected with a certified work, shall comprise the work and the appurtenances thereof and an area below high-water mark within a distance of two hundred yards from the seaward extremities of the work in every direction. 20

Harbour
constable

16 & 17 Vict.
c. 136.

8. The Board of Works may appoint a harbour constable for any certified work for the purposes specified in section nine of the Grand Jury (Ireland) Act, 1853, at such salary as the Treasury may sanction, and such harbour constable shall have all the powers conferred on a harbour constable by that section. 25

Provision of
money for
purposes
of Act
59 & 60 Vict.
c. 34

9.—(1.) Any money raised under section four of the Railways (Ireland) Act, 1896, may be applied for the purposes of advances under this Act, and the limit of five hundred thousand pounds under that section on the total amount advanced shall be increased to six hundred thousand pounds. 30

40 & 60 Vict.
c. 34.

(2.) Any money received by the Board of Works in respect of any means of communication assisted by them in pursuance of section nine of the Railways (Ireland) Act, 1896, and not applicable for the purposes of that Act, shall be applied by them for the purposes for which advances under this Act are applicable. 35

Provision
with respect
to harbour
of Liscannon.

10. The Lord Lieutenant may, with the consent of the Treasury, declare that the reconstruction, repair, or improvement of the harbour of Liscannon, in the County of Clare, shall be regarded as a certified work under this Act, notwithstanding that 40

the work may not be necessary for the development of any trade or industry carried on by the inhabitants of a congested districts county, and thereupon the foregoing provisions of this Act shall apply to that work, with the following modifications :—

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- 5 (1.) The advance to be made by the Treasury shall not exceed two-thirds of the cost of the execution and equipment of the work ;
- (2.) The balance of that cost shall be defrayed by the Department of Agriculture, and by persons locally interested, in such
- 10 proportions as may be agreed upon ; and
- (3.) Any reference in this Act to the Congested Districts Board shall not apply.

11.—(1.) Where any marine work has become the public property of a county, in pursuance of section seven of the Grand Jury

15 (Ireland) Act, 1853, the council of the county and the Board of Works may agree that the work shall become vested in the Board of Works, and shall be inspected, maintained, and kept in repair by that Board, out of the general maintenance fund under this Act, and such agreement shall have effect accordingly, and the

20 provisions of this Act relating to certified works vested in that Board shall thereupon apply to the said work.

Provision with respect to marine works being the public property of counties. 16 & 17 Vict. c. 136.

(2.) An agreement under this section shall contain a covenant for the payment to the Board of Works by the county council of such an annual sum as the Lord Lieutenant may certify to be

25 properly payable by the council as a county contribution in respect of the work, and the provisions of this Act relating to county contributions shall apply to that sum.

12. In this Act—

Definitions.

30 The expression "marine work" includes any physical construction or operation required for or connected with the purposes of navigation ;

The expression "the Board of Works" means the Commissioners of Public Works in Ireland ;

35 The expression "the Department of Agriculture" means the Department of Agriculture and Technical Instruction for Ireland ; and

The expressions "the Congested Districts Board" and "congested districts county" have the same meanings as in the Purchase of Land (Ireland) Act, 1891.

54 & 55 Vict. c. 48.
Short title

40 13. This Act may be cited as the Marine Works (Ireland) Act, 1902.

Marine Works
(Ireland),

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B I I, I,

To facilitate the execution and maintenance of Marine Works in Ireland, and for other like purposes.

(Brought in by
Mr. Wigham, Mr. Chancellor of the Exchequer,
and Mr. Attorney-General for Ireland.)

*(Ordered, by The House of Commons, to be Printed,
1 July 1902.*

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